



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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(603) 271-2900 FAX (603) 271-2456



August 11, 2004

**CERTIFIED MAIL
7000 1670 0000 0585 8810
RETURN RECEIPT REQUESTED**

NOTICE OF PAST VIOLATION

Kerk Motion Products
1 Kerk Drive
Milford, New Hampshire 03055

Attn: Mr. Bob Shone, Operations Manager

**Re: Kerk Motion Products
69 Meadowbrook Drive
Milford, New Hampshire
EPA ID # NHD500031372**

Dear Mr. Shone:

On July 13, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Kerk Motion Products ("KMP"). The purpose of the inspection was to determine KMP's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1 Env-Wm 509.02(a)(2) – Personnel Training

Training records provided to DES at the time of inspection, failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain specific documents and records related to personnel training at the facility.

DES requested that KMP maintain a written personnel training plan which provides a description of the type and amount of introductory and continuing training that is given to persons filling each hazardous waste related position. DES also requested that KMP maintain, as part of the program, documents of hazardous waste job titles, job descriptions, and names of employees filling each position and correct any deficiencies identified in the enclosed Full Quantity Generator Module.

A July 22, 2004 e-mail submittal from Mr. Chris Stanz, Hazardous Waste Coordinator, provided a written personnel training program which included a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position. No further action is required.

2. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area was present but incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area (deficiencies are noted in italics):

The emergency coordinators (home and office);

The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and

The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.

DES requested that KMP post the required information at the nearest telephone to the hazardous waste storage area.

At the time of the inspection Mr. Chris Stanz, Hazardous Waste Coordinator, updated the facility Emergency Posting to include all of the required information. No further action is required.

3 Env-Wm 509.03(b) – Satellite Storage Training

A review of KMP's personnel training program revealed that ten (10) employees responsible for managing the facility's hazardous waste satellite containers had not received initial hazardous waste training.

Env-Wm 509.03(b), which references Env-Wm 509.02(a)(2) and 40 CFR 265.16, Personnel Training, requires full quantity generators to ensure that employees responsible for the management of hazardous waste satellite containers receive hazardous waste training. The hazardous waste training interval shall be every 3-years after the date of initial training.

DES requested that KMP conduct and document hazardous waste training, and 3-year reviews, for all employees responsible for the management of hazardous waste satellite containers.

A July 22, 2004 e-mail submittal from Mr. Chris Stanz, Hazardous Waste Coordinator, provided a list of KMP employees that received hazardous waste satellite container training for the year 2004.

4. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of inspection, DES confirmed that a used oil determination had not been conducted.

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requested that KMP conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. DES also requested that KMP provide the results of the used oil determination to DES.

The August 3, and August 5, 2004 fax submittals from Mr. Chris Stanz, Hazardous Waste Coordinator, provided documentation demonstrating that KMP's used oil is "Off-Specification Used Oil for Recycle." No further action is required.

In the recent past KMP has generated and disposed of universal waste lamps. However, the facility has recently phased-in Philips "ALTO" lamps for use in lighting fixtures. DES has confirmed with the manufacturer that ALTO lamps pass the TCLP test, and are therefore not a hazardous/universal waste. However, since KMP has not fully phased-in the use of ALTO lamps, DES requests that KMP continue to manage and dispose of all "non-ALTO" lamps (universal waste lamps) according to the Hazardous Waste Rules (Rules). DES further recommends that KMP consider managing the ALTO lamps in accordance with the Rules due to their mercury content, and the potential to adversely impact the air if incinerated.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by KMP to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or Tod G. Leedberg, RCRA Compliance Supervisor at 271-2942. Specific questions regarding water related issues may be directed to Mary Jane Meier of DES's Water Division at 271-5553, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

John J. Duclos **COPY** *for*

John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen R. Hamel Esq., Administrator, DES Legal Unit
Chris Stanz, Hazardous Waste Coordinator, KMP
Jeffrey Pellerin, Hazardous Waste Coordinator, KMP

E-mail: JJD/SD/MM/PM

Enclosure: Inspection Modules